

REMARKS

Reconsideration and withdrawal of the rejection set forth in the above-mentioned Official Action in view of the concurrently filed Terminal Disclaimer are respectfully requested.

Claims 23, 24, 29-32 and 53 are pending in the application, with Claim 24 being the only independent claim.

Claims 23, 24, 29-32 and 53 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 1-46 of U.S. Patent No. 6,830,709 (Tomioka et al. '709). Claims 23, 24, 29-32 and 53 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-41 of U.S. Patent No. 6,536,890 (Kato et al.). Claims 23, 24, 29-32 and 53 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-40 of U.S. Patent No. 6,863,391 (Tomioka et al. '391). Without conceding the propriety of the rejections, and solely to expedite issuance, Applicants are submitting herewith a Terminal Disclaimer. Applicants submit that the filing of the Terminal Disclaimer obviates the double patenting rejections. Reconsideration and withdrawal of the double patenting rejections are requested.

Applicants submit that the instant application is in condition for allowance. Favorable reconsideration and an early Notice of Allowance are requested.

The \$130.00 fee for submitting the Terminal Disclaimer is being paid concurrently herewith. The Commissioner is authorized to charge any deficiency in, or credit any overpayment of this fee to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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